THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 22101 of 2005

DATED: 07.12.2005

Between:

K.Thamasamma.

... PETITIONER

AND

Government of Andhra Pradesh and others.

... RESPONDENTS

ORDER:

For the purpose of supplying diet to the in-patients at Government Area Hospital, Bapatla, Guntur District, tenders were invited, and successful tenderer was awarded the contract. However, on account of certain lapses committed by him, the contract was terminated. Thereafter, the Medical Superintendent, 4th respondent herein, invited quotations for the same contract. The petitioner and certain others submitted their quotations on 02.06.2004. The quotation of the petitioner was accepted and she was awarded the contract vide proceedings, dated 07.07.2004. The same is said to be in force as on today.

The petitioner submitted a representation, dated 28.07.2005, to the 2nd respondent, stating that she is being paid the charges at the rate of Rs.10/- per

patient, whereas there are Government Orders to the effect that the charges must be paid at the rate of Rs.15/- per patient. Alleging that no action has been taken thereon, she filed the present Writ Petition. Reliance is placed upon G.O.Ms.No.255, dated 20.06.2003.

Heard the learned counsel for the petitioner and the learned Government Pleader for Medical Health and Family Welfare.

It is true that the Government revised the charges to be paid for the diet canteen suppliers from Rs.10/- to Rs.15/- per patient. However, a perusal of G.O.Ms.No.255 discloses that it is restricted to those diet canteen suppliers, who are paid at flat rate. Separate rates are prescribed in respect of T.B. and Mental Patients of teaching hospitals.

It is not in dispute that the petitioner was awarded the contract, accepting the rates quoted by her. Therefore, there exists a concluded contract between the petitioner and the 4th respondent, in the matter of payment of bills at a particular rate. It cannot be changed on the basis of G.O.Ms.No.255, which exclusively deals with the canteens. Had it been a case where the petitioner was nominated and required to supply the diet to the patients as in the case of canteens, different things altogether would have ensued. In the instant case, the petitioner offered a particular rate and it is required to be in force, unless it is varied with mutual consent. Therefore, this Court does not find any basis to grant any relief to the petitioner.

Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

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07.12.2005

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